United Nations S/PV.6260

Security Council

Sixty-fifth year

Provisional

6260th meeting

Friday, 15 January 2010, 10 a.m.

New York

President:	Mr. Zhang Yesui	(China)
Members:	Austria	Mr. Lutterotti
	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	France	Mr. Bonne
	Gabon	Mr. Issoze-Ngondet
	Japan	Mr. Takasu
	Lebanon	Ms. Ziade
	Mexico	Mr. Heller
	Nigeria	Mr. Onemola
	Russian Federation	Mr. Dolgov
	Turkey	Mr. Çorman
	Uganda	Mr. Mugoya
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Mr. DeLaurentis

Agenda

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2010/17)

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10-21022 (E)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2010/17)

The President (*spoke in Chinese*): I should like to inform the Council that I have received a letter from the representative of Nepal, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Acharya (Nepal) took a seat at the Council table.

The President (*spoke in Chinese*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Ms. Karin Landgren, Representative of the Secretary-General and head of the United Nations Mission in Nepal.

There being no objection, it is so decided.

I invite Ms. Landgren to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of Council members to document S/2010/17, which contains the report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process. I should also like to draw the attention of members of the Council to document S/2010/25, which contains a letter dated 14 January 2010 from the Secretary-General addressed to the President of the Security Council.

At this meeting the Council will hear a briefing by Ms. Karin Landgren, to whom I now give the floor.

Ms. Landgren: I would like to say at the outset on behalf of the United Nations Mission in Nepal (UNMIN) that our hearts are with the people of Haiti and with our colleagues in the United Nations Stabilization Mission in Haiti and their families in this time of sorrow and uncertainty.

It is three years since the Security Council authorized the deployment of UNMIN, at the request of the then Seven-Party Alliance and the then Communist Party of Nepal (Maoist) (CPN-M). The Mission's election-related tasks were completed, with some delays, in April 2008. UNMIN's continued support of the peace process, in particular through the monitoring of the management of arms and armies and the chairmanship of the Joint Monitoring Coordination Committee, has yet to be concluded.

The report of the Secretary-General now with the Council (S/2010/17) reflects a turbulent period, with contentious actions and statements by the parties. It warns of the grave danger that the prolonged period of polarization and growing confrontation poses to the peace process. As I reported on 6 November (see S/PV.6214), the fragility of the peace process, and the concerns that it could be derailed, remain real. In the past weeks, however, the leaders of the principal parties have demonstrated a renewed urgency in focusing on core peace-related matters. The 28 May deadline for the promulgation of Nepal's new constitution and the need to create the conditions that will allow UNMIN's role to be brought to an orderly end have generated intense discussion and reflection within and among the parties. Although the hour is late, the recent actions by the Government and the parties, if followed through with vigour, have the potential to usher in constructive actions for the next stage of Nepal's democratic transition.

Since the middle of December, activity has revived on several fronts. The Unified Communist Party of Nepal-Maoist (UCPN-M) stopped obstructing the work of the Legislature-Parliament; the long-discussed high-level political mechanism was set up; the first discharge of the disqualified Maoist army personnel took place under the newly agreed action

plan; and the Special Committee is now discussing a timeline for integration and rehabilitation of the Maoist army personnel. These developments may strengthen a consensual basis for moving forward.

On 23 December, the UCPN-M lifted its blockade of the Legislature-Parliament, apparently without the preconditions that had been under discussion since August, saying that they took this step in the interest of the peace process and to prevent relations with other parties from deteriorating further. I have repeatedly called on the Maoist leadership to allow the Legislature-Parliament to function and to respect and rely on democratic and institutional channels.

Last week, on 8 January, the leaders of the three major parties announced the establishment of a high-level political mechanism dedicated to resolving outstanding peace-process issues, notably the integration and rehabilitation of Maoist army personnel, as well as constitutional issues. The initial members are the Chair, Mr. Girija Prasad Koirala, President of the Nepali Congress Party and former Prime Minister; Mr. Jhala Nath Khanal, Chairman of the Communist Party of Nepal (Unified Marxist Leninist); and Mr. Pushpa Kamal Dahal "Prachanda", Chairman of the UCPN-M, with Prime Minister Madhav Kumar Nepal as an invited member. UNMIN has long underlined the need for an effective framework within which the peace process can be taken forward.

In a third positive and long-awaited development, the discharge of the 4,008 personnel disqualified in 2007 as minors and late recruits began last week. As the Council will recall, nearly 3,000 of this group are persons disqualified as having been below the age of 18 at the time of the signing of the ceasefire in May 2006. After an arduous process of discussions, an agreement was secured on 16 December on an action plan for the discharge of the minors, signed by the Government, the UCPN-M and the United Nations country team, and witnessed by the Minister for Peace and Reconstruction, Mr. Rakam Chemjong; Chairman Prachanda; the Secretary-General's Special Representative for Children and Armed Conflict, Ms. Radhika Coomaraswamy; and myself.

Agreement on the discharge of the disqualified was a significant step and came after a protracted period of inaction on resolving the issue of personnel in the cantonments. Many of the disqualified appear already to have left the cantonments. The first discharge took place in main cantonment site 2, Sindhuli, on 7 January. Two hundred and one of the originally registered 372 persons disqualified at this site received new civilian identity cards, and were offered a duffel bag with civilian clothing, a 10,000-rupee transition allowance from the United Nations and 12,000 rupees from the UCPN-M, as well as bus transport to six main destinations.

At the first discharge ceremony, Maoist army commander Nanda Kishore Pun "Pasang" encouraged those who were about to depart to go on to new achievements. The process was smooth and the atmosphere jubilant. The scheduled end date is 8 February, and a United Nations team, referred to as the Monitoring Mechanism, will follow up for six months those who were verified as minors and discharged. UNICEF will lead the Monitoring Mechanism, with the participation of the Office of the High Commissioner for Human Rights. Operational guidelines for monitoring are being developed.

The Ministry of Peace and Reconstruction will make available educational and vocational support to the discharged personnel on an individual basis, with the support of the United Nations, which has worked diligently on the components of these support packages. I would like to pay tribute to the exemplary cooperation between the Mission and the United Nations country team. I would also like to acknowledge the valuable visit paid by Special Representative Coomaraswamy and her staff at a critical moment in the discussions leading to the signing of the action plan.

Finally, the Special Committee established to address the supervision, integration and rehabilitation of Maoist army personnel has resumed meeting and is considering a timetable within which the future of the more than 19,000 former combatants is to be resolved. The Special Committee has experienced significant delays under successive Governments. We encourage the parties to come to rapid agreement on the details of the modalities of integration into the security forces, and on rehabilitation. This is a critical element in the peace process, not only from the perspective of completing UNMIN's arms monitoring work, but, more important, for the future stability of Nepal. The integration and rehabilitation exercise pertains to the lives of close to 20,000 men and women who have military and combat experience fighting for a political cause. The proper integration of an agreed number into

the security forces and the re-absorption of others into society — with productive and meaningful lives ahead of them — require careful planning and implementation and an enabling political environment. UNMIN and the United Nations system as a whole remain available to extend appropriate support in that regard.

UNMIN has engaged in active efforts to encourage the Government and the parties to take the steps that would allow UNMIN to complete its tasks and withdraw in a well-ordered manner. A timeline with benchmarks agreed upon by the major peace process actors is absolutely essential for that.

The Government wishes to see the integration and rehabilitation of the Maoist army before the new Constitution is promulgated. The interim constitution does not address the sequencing of those two events directly, nor does it link them. But the drafters assumed that integration and rehabilitation could take place within six months, while the constitution-drafting was expected to require two years and be completed by 28 May 2010.

The question of whether or not the term of the current Constituent Assembly can be extended should more time be needed for constitution-drafting has been widely debated. Views differ on this and on the legal situation that would prevail should there be neither an extension nor a constitution by 28 May. It is important to ensure that steps be taken in a timely fashion so as not to create a constitutional vacuum.

The uncertainty surrounding the post-28 May situation is one more reason for the parties to move ahead speedily with the integration and rehabilitation of the Maoist army personnel, with the conclusion of the constitution-drafting process and with the fresh elections that are to follow. As encouraging as recent developments have been, it is imperative to follow through and resolve the outstanding main tasks in the peace process. Until that happens, the peace process will remain at risk.

There are various challenges facing the high-level political mechanism, including opposition within some of the political parties, while the proposed action plan for integration and rehabilitation appears still to require significant negotiation.

There have been other signs of continued volatility in Nepal, including the fatal violent clashes in the far-western district of Kailali on 6 December and, more recently, among youth groups affiliated with political parties in several areas of the country, as well as the serious clash in Kathmandu on 20 December. In Bara district, members of the Terai Mukti Morcha reportedly shot and killed three members of the UCPN-M on 6 January, with two others seriously injured.

Fresh recruitment into the Nepal Army — in UNMIN's view, in violation of past agreements — continues to be mooted. While the Government recently announced its intention to review the structure of the security sector, it remains unclear how the right-sizing and democratization of the Army will be approached.

The Maoists, having returned land in many parts of the country that they had seized during the conflict, undertook a new and concerted land grab in the southern Tarai belt, as well as crop seizures, mostly in mid- and far-western districts. While the Maoists' declaration of autonomous provinces last month was largely peaceful, it was regarded as provocative in the light of the Constituent Assembly's responsibility for determining the new federal structure of Nepal. Several ethnically based organizations, some of them militant, are prepared to agitate for their respective agendas, including the establishment of ethnic-based states.

In the prevailing climate of political pressure and impunity for crimes and human rights violations, it has become extremely difficult for civil society and the media to speak forthrightly about excesses. The past year was bookended by savage attacks on two female journalists — Uma Singh, who was killed in Janakpur on 11 January 2009, and Tika Bista, who survived her attack in Rolpa on 8 December.

The serious clashes and provocations of late 2009 led many to draw UNMIN's attention to what they called breaches of the Comprehensive Peace Agreement (CPA). Those allegations underscore the absence of a credible and independent national monitoring mechanism to determine whether or not the CPA is being implemented as foreseen. As the Council is aware, UNMIN's monitoring tasks concern breaches of the Agreement on the Monitoring of the Management of Arms and Armies, and not the Comprehensive Peace Agreement as a whole.

There have also been repeated allegations of breaches of the Agreement on the Monitoring of the

Management of Arms and Armies. Those are rules that the parties themselves agreed to place on the Nepal Army and the Maoist army. For the record, the parties have made three agreements over weaponry outside the weapon storage containers: the Agreement on the Monitoring of the Management of Arms and Armies itself, which provides for the storage of most Maoist army weapons and of an equal number of Nepal Army weapons, and the use of 30 weapons for perimeter security at each main cantonment site and 15 at each satellite site; the agreement on the security of the Maoist leadership, which was signed in late June 2007 and which allowed 42 weapons of varying calibre to be carried by designated security personnel; and, finally, an informal understanding, amply referenced in the records of the Joint Monitoring Coordination Committee, that permits a weapon to be carried by Maoist divisional commanders, deputy divisional commanders and brigade commanders who command troops. The agreements on arms and armies have been respected by the parties to a significant degree. They are, however, increasingly under strain, which is all the more reason to move expeditiously towards completing the political steps foreseen for the peace process.

The parties have recently sought greater common ground, giving rise to cautious optimism that progress can be made in the peace process. There are positions on the political left and right alike, however, that argue against the merits of peaceful resolution and adherence to the original agreements. Some speak of a fresh confrontation as being inevitable. Fears have not fully receded that the Maoists have reneged on their acceptance of the democratic principles laid down in the peace agreements, and that the Government lacks sincerity in implementing critical reforms. Some actors maintain uncompromising positions. Threats, taunts and provocations continue to leach into the public discourse. The parties are quick to assert that fault for the failure of the peace process lies with the other side.

The parties should be encouraged to make maximum use of the new space for constructive dialogue, which has been an area of strength overall in Nepal's peace process. The Government has requested the extension of UNMIN's mandate for three months and three weeks. That is linked to an ambitious timetable for the integration and rehabilitation of the cantoned Maoist army personnel, paving the way for UNMIN to depart with its task completed. We welcome that development. Should the Council decide to extend UNMIN's mandate as requested, we truly hope that the renewed commitment will bring tangible results and that the conditions will now be created for UNMIN to complete its work within the envisaged timeframe.

UNMIN has remained continuously engaged with the major political actors to contribute to confidence in the peace process and to fulfil our specific monitoring tasks. The present efforts towards pursuing a peaceful and constructive way forward should be maintained and the principal political actors encouraged to continue the unity, leadership and focus of recent weeks.

On behalf of UNMIN, I would like to convey a warm welcome to Ambassador Gyan Chandra Acharya, who in his previous role as Nepal's Foreign Secretary worked closely with my predecessor, Ian Martin, and with me. Along with my colleagues in the Department of Political Affairs, I look forward to continuing the warm relationship and good communication that we have enjoyed.

The President (*spoke in Chinese*): I thank Ms. Landgren for her briefing.

I now give the floor to the representative of Nepal.

Mr. Acharya (Nepal): I would like to congratulate you, Sir, on your assumption of the presidency of the Council for the month of January. I also take this opportunity to express my sincere appreciation to you for providing me with this opportunity to speak before the Council for the first time since taking up my assignment here.

Through a formal note dated 9 January 2010, I have conveyed to the Secretary-General the decision of the Government of Nepal to request the extension of the duration of the current mandate and the continuation of the related works of the United Nations Mission in Nepal (UNMIN) until 15 May 2010. In seeking the extension of UNMIN to that date, the Government of Nepal has given due consideration to the current transitional situation of the country and has recognized the important role played by UNMIN in providing support and facilitation within its mandate to our nationally driven peace process.

We have taken note of the report of the Secretary-General on UNMIN (S/2010/17), which highlights UNMIN's assessment of the situation in Nepal over the past six months. I would like to express my thanks to

Ms. Karin Landgren, Representative of the Secretary-General in Nepal and head of UNMIN — as she said, we work together in Nepal — for her statement on recent developments in Nepal.

In the context of the consistent evolution of the situation, I would like to inform the Council on the latest situation in the country and provide our perspective on the overall course of the peace process.

The Council is aware that we are going through a transition from a 10 year-long conflict to sustainable peace and stability with a nationally driven peace process. This has received wide support and cooperation from the international community. Since June 2006, we have come a long way and, as I fully understand, with many ups and downs, which is only natural for a complex peace process. We are also aware that we still have some way to go. Yet, along the way we have made tremendous progress in terms of our political transformation. We are equally committed to institutionalizing it and bringing about social and economic transformation together with State restructuring. Our agenda has therefore remained a forward-looking, inclusive and democratic Nepal, which would ensure peace and prosperity for itself and also stability and progress for the region as a whole.

In our efforts towards attaining these goals, international good will, support and cooperation have played an important role. We thank the United Nations for its support and consistent encouragement and UNMIN for its contribution in the mandated areas of the peace process.

We consider that writing a Constitution on time is essential to accelerating the peace progress during this transition period, which would help us conclude the peace process in Nepal. I am happy to inform the Council that all the parties have committed themselves, repeatedly and very recently, to writing the Constitution on time, by May 2010. A large majority of the thematic committees of the Constituent Assembly have already deliberated on the issues under their purview and submitted input to the respective bodies of the Constituent Assembly. The new Constitution is expected to usher in a new Nepal, which would be more inclusive, federal and democratic. This would ensure sustainable peace, together with the rule of law, human rights and basic principles and norms of democratic governance.

Similarly, with a view to narrowing down the political differences among the major political parties on key national issues and steering the country towards a logical conclusion of the peace process, a high-level political consultative mechanism has also been established recently under the leadership of the former Prime Minister, Mr. Girija Prasad Koirala.

We have now come to a stage wherein we have to deal with important and fundamental issues, including the future of the combatants. All the political parties are committed to resolving this issue as soon as possible and, as a result, the Special Committee and the Technical Committee have been working hard on the issue of the integration and rehabilitation of the Maoist combatants. These Committees will be guided by the principles as stipulated in the interim constitution, the Comprehensive Peace Agreement, the Agreement on the Monitoring of the Management of Arms and Armies and the agreement of the political parties of 25 June 2008. The process of integration and rehabilitation is expected to be completed before the promulgation of the new Constitution.

In an important recent development, the release of the disqualified minors living in the cantonments has begun in earnest on the basis of the action plan signed on 16 December 2009. We expect the release to be completed by the middle of the next month. Similarly, a mine action committee has been working assiduously with a view to completely clearing mines as per its schedule as early as possible. That will have a salutary impact on protecting the lives and limbs of all, including children and women.

Likewise, the Government has taken a number of important initiatives. A draft bill on the establishment of the commission of inquiry on disappearances has already been submitted to Parliament following its approval by the Cabinet. Efforts are under way to finalize a bill for the establishment of a truth and reconciliation commission. I would like to stress that substantial consultations with all the stakeholders were held in the preparation of these bills with a view to making them consistent with the international standards and national aspirations.

Nepal's commitment to human rights is unflinching. We are party to more than 16 major international human rights instruments, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition

of the Death Penalty. We are fully aware that the protection and promotion of all human rights and fundamental freedoms strengthen the sustainability of peace and progress. The Government is determined to ensure, through the effective enforcement of law and major institutional reforms, that there is no impunity in the country.

The Government has been supporting the tasks of the National Human Rights Commission, a constitutional body empowered to investigate and recommend suggestions on cases of human rights violations. The independent judiciary has been an important institution in protecting human rights and fundamental freedoms. In addition, a vibrant civil society and the media have all played an important role in promoting awareness and protecting human rights, despite the fact that there have been some occasional cases of violations of human rights.

In conclusion, let me stress once again that we are emerging from a decade-long armed conflict. The transition has not always been easy or smooth, and has not followed a straight line. However, if we take a long-term view, we can see that Nepal has made significant progress over the years. A compartmentalized view of the peace process may not capture the essence of our genuine determination to bring the peace process to its logical conclusion. More than anybody else, the people of Nepal are eagerly looking forward to a post-transition era. Therefore, and looking at the successive developments in the country since the inception of the peace process in June 2006, we have reason to be optimistic about its overall direction.

In realizing our goal of a peaceful, stable, democratic and prosperous new Nepal, we need more than ever before an enhanced level of support, understanding and encouragement from the international community. Against this backdrop, we look forward to the extension of the mandate of UNMIN until 15 May 2010 in order for it to complete its mandated tasks within the stipulated time.

The President (*spoke in Chinese*): There are no further speakers inscribed on my list. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.40 a.m.